reminder times [being earlier than] <u>preceding</u> a respective time for initiation of [automatic execution of] its associated scheduled recording <u>by amounts of time based on the respective remind-time inputs</u>.

Please add new claim 26:

26. (New)     The method of claim 1, further comprising:

determining the recording reminder time based on the received user input, with the

recording reminder time preceding the recording time for the scheduled recording

by an amount of time based on the received user input.

## REMARKS

In response to the Office Action mailed on September 12, 2000, this amendment cancels claim 25; amends claims 11, 17, 21, and 24; and adds claim 26. As a result, claims 1, 2, 4-13, 15-17, 20, 21, 24, and 26 are now pending in this application.

Applicant reserves the right to later rebut any explicit or tacit characterizations of the cited references, to the extent the following remarks do not.

### Response to §102 Rejections

The Examiner rejected claims 1-2, 8-11, 13, 17, 21 and 24-25 under 35 USC § 102(e) as being anticipated by Lawler (U.S. Patent 5,805,763). This rejection is respectfully traversed.

With respect to claim 1 and claims 2 and 8-10 depending therefrom, Lawler fails to disclose, teach, or suggest "receiving user input at least partially determinative of a recording reminder time for the scheduled recording" as recited in these claims. In contrast to this requirement, Lawler merely allows a user to set a reminder for a selected program to occur on a one-time-only, daily, or weekly basis. There is no indication in Lawler that the reminder is a "recording reminder" or that the selected reminder frequency has any bearing or relation to a scheduled recording.

The Examiner cites column 10, line 65-column 11, line 6 as disclosing the receipt of user input at least partially determinative of a recording reminder time for the scheduled recording. However, this passage actually states (emphasis added):

> "Referring back to FIG. 4 at block 236, if a future program is identified by the focus
> frame 102 at the time the action button is pressed, <u>a user may want to set a reminder for
> the future program or to set a record tag for the future program</u>. As indicated in block
> 238, the system displays a future program options menu to allow the user to select these,
> or possibly other actions. The system then monitors the user's menu selection and
> implements the requested action, as indicated in block 240."

Lawler does not disclose, teach, or suggest that the reminder has anything to do with a scheduled
recording. Instead, Lawler suggests that setting a reminder for a future program is an alternative
to scheduling the future program for recording. That these features are alternative, rather than
cooperative, is also suggested at column 8, lines 12-17 which explains (emphasis added):

> [T]he focus frame 102 can be used to obtain more information about a particular program,
> to navigate through the program time guide, or to perform various actions such as
> identifying <u>a program for which a reminder is to be set or for which a record tag is to be
> set</u>.

Further suggesting this alternative nature is the passage at column 8, lines 43 -51 (emphasis
added):

> For example, an icon can be provided to indicate whether the user has set a record tag for
> the indicated program. These icons are user specific and are displayed in the program
> guides for those users that set the associated tags. In this manner, a user of the program
> guide can quickly and easily determine <u>which programs have been set for a reminder and
> which programs have been set for recording</u>.

Additional evidence is the provision of separate Remind Options and Record Options menu
structures, as shown in Figures 8 and 9, for controlling the setting of reminders and scheduling of
recordings. The menus appear to function completely independently of each other, indicating
again that the remind function is independent of the record function.

In view of these passages and figures, Applicant submits that Lawler discloses a reminder
which reminds users to view a program, but setting this reminder and selecting its frequency has
no necessary relation or association with a scheduled recording. Accordingly, Applicant
respectfully requests that the rejection of claims 1, 2, and 8-10 be withdrawn.

With respect to claim 11 and claim 13 depending therefrom, these claims have been

**AMENDMENT AND RESPONSE UNDER 37 CFR § 1.111**
Serial Number: 09/002,600
Filing Date: January 5, 1998
Title:       SYSTEM AND METHOD FOR REMINDING USERS OF UPCOMING SCHEDULED RECORDINGS

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amended to recite "means for determining a recording reminder time for at least the one program based on the recording time and the user input regarding the recording reminder" and "means for causing the recording device to begin automatic recording of the one program independently of the determined recording reminder time."

In contrast, even if the Examiner views Lawler's record tag as similar to a "recording reminder," Lawler discloses using the record tag to control its recording, specifically stating "[o]nce a record tag is set, the system monitors the record tag and at the appropriate time, controls the recording of the associated program." Column 13, lines 13-15. Thus, Lawler does not disclose, teach, or suggest automatic recording independent of its record tag as recited in claim 11 and claim 13 depending therefrom. Accordingly, Applicant respectfully requests that the rejection of these claims be withdrawn.

Claims 17, 21, and 24 have also been amended to more readily distinguish from Lawler. Specifically, claim 17 requires "receiving user input at least partially determinative of a recording reminder time for a scheduled automatic data recording, with the recording reminder time preceding a time of the scheduled automatic data recording by an amount of time based on the user input." Claim 21 requires "receiving user input at least partially determinative of a recording reminder time, with the recording reminder time preceding the future time by an amount of time based on the user input. And, claim 24 requires "defining two or more recording reminder times, with each of the recording reminder times associated with at least one of the scheduled recordings and based at least partially on the associated user remind-time input and with each of the recording reminder times preceding a respective time for initiation of its associated scheduled recording by amounts of time based on the respective remind-time inputs."

In contrast, Lawler does not disclose, teach, or suggest receiving user input which controls or affects an amount of time between issuance of a reminder signal and initiation of recording as recited in the claims. Accordingly, Applicant respectfully requests that the rejection of claims 17, 21, and 24 be withdrawn.

## Response to §103 Rejections

Claims 4-6, 12 and 15 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Lawler et al. in view of Hoff (U.S. Patent 5,467,197). Claims 4-6, 12 and 15 are patentable over Lawler for the reasons discussed above with respect to their base claims 1 and 11. Further, Hoff does not disclose, teach or suggest "receiving user input at least partially determinative of a recording reminder time for the scheduled recording" as these claims require. Indeed, there no occurrence of "remind" or "reminder" or "reminding" in the entire text of Hoff. Thus, even if the proposed combination with Hoff were permissible, it would not overcome the deficiencies of Lawler.

Claims 7, 16 and 20 were rejected under 35 USC § 103(a) as being unpatentable over Lawler in view of Strubbe (U.S. Patent 5,047,867). Claims 7, 16, and 20 are patentable over Lawler for the reasons discussed above with respect to their base claims 1, 11, and 17. Furthermore, like Lawler, Strubbe does not disclose, teach or suggest "receiving user input at least partially determinative of a recording reminder time for the scheduled recording" or "receiving user input which controls or affects an amount of time between issuance of a reminder signal and initiation of recording as recited in the claims". In contrast (as previously detailed in response to the Office Action of August 19, 1999), Strubbe only provides options for a user to toggle a recording reminder function on or off and to select the type of reminder, without an option to define, either in whole or in part, the timing of the reminder signal relative to a scheduled recording event. Thus, even if the proposed combination with Strubbe were permissible, it would not overcome the deficiencies of Lawler.

Moreover, there is no suggestion or motivation to combine Lawler with either Hoff or Strubbe. MPEP 2143.01. Accordingly, Applicant respectfully requests that the rejection of these claims be withdrawn.

## Conclusion

In view of the highlighted deficiencies of the cited art, Applicant respectfully requests reconsideration and withdrawal of all rejections. Applicant also invites the Examiner to telephone its patent counsel Eduardo Drake at 612-349-9593 to resolve any issues which may impede allowance of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 50-0439.

Respectfully submitted,

THEODORE D. WUGOFSKI

By their Representatives,
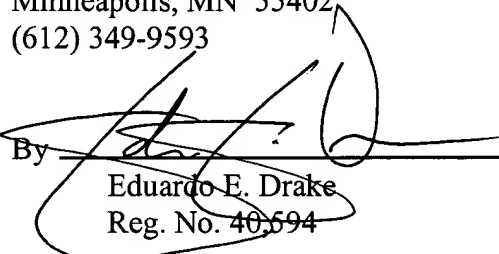
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Date /2 Feb. 2001          By

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CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Commissioner of Patents, Washington, D.C. 20231, on this _12th_ day of _February_, 2001.

**Candis B. Buending**

Name                                                                                        Signature